

**AMENDMENT TO THE 2005-2008 MEMORANDUM OF UNDERSTANDING WITH THE SAN
BERNARDINO COUNTY SAFETY EMPLOYEES' BENEFIT ASSOCIATION FOR SPECIALIZED
PEACE OFFICER AND SPECIALIZED PEACE OFFICER SUPERVISORY UNIT**

12-HOUR SHIFTS AT CAMP HEART BAR

OVERTIME

ALL UNITS

(a) General Provisions

- (1) Policy – It is the policy of the County to discourage overtime except when necessitated by abnormal or unanticipated workload situations. It is the responsibility of the appointing authority to arrange for the accomplishment of workload under their jurisdiction within a reasonable period of time. The County has the right to require overtime to be worked as necessary.
- (2) Definition – Overtime shall be defined as all hours actually worked in excess of forty (40) hours a work period or, in the case of the SPECIALIZED PEACE OFFICER - SUPERVISORY UNIT, eighty (80) hours during a pay period, except as otherwise provided herein. For purposes of defining overtime, paid leave time shall be considered as time actually worked; provided, however, that for employees in the SPECIALIZED PEACE OFFICER - SUPERVISORY UNIT, time spent attending conferences, seminars and training programs shall not be considered as time actually worked. Overtime shall be reported in increments of full fifteen (15) minutes and is non-accumulative and non-payable when incurred in units of less than fifteen (15) minutes. Overtime shall not affect leave accruals.
- (3) 7(k) Exemption - The parties agree that employees in these Units are covered by the partial overtime exemption set forth at 29 U.S.C. § 207(k) of the Fair Labor Standards Act. Although the County pays overtime compensation to employees in these Units in excess of what is required by Section 207(k) or any other provision of the Fair Labor Standards Act, the parties agree that the Section 207(k) partial overtime exemption has been adopted and is applicable to FLSA overtime.

For employees assigned to a twelve (12) hour shift schedule at Camp Heart Bar, employees will normally be scheduled to work seven (7) twelve (12) hour shifts in a fourteen (14) day period. Overtime for employees assigned to this schedule shall be defined as all hours actually worked in excess of eighty-four (84) hours per pay period. Retirement contributions and benefits shall be based on the number of hours the employee is regularly scheduled to work (i.e. eighty-four (84) hours per pay period). Accordingly, both the employees' and the County's required contributions will increase. However, leave accruals will not increase as a result of the 12 hour schedule and employees will continue to accrue the same number of leave hours as those working a forty (40) hours in a weekly work period.

All work periods which define overtime based as other than time worked in excess of forty (40) hours are established pursuant to Section 207(k) of the Fair Labor Standards Act, 29 USC 201 et seq.

(b) Overtime Compensation – SPECIALIZED PEACE OFFICER UNIT

- (1) Any employee authorized by the appointing authority or authorized representative to work overtime shall be compensated at premium rates, i.e., one and one-half (1-1/2) times the employee's regular rate of pay. Payment for overtime compensation shall be made on the first payday following the pay period in which such overtime is worked, unless overtime compensation cannot be computed until some later date, in which case overtime compensation will be paid on the next regular payday after such computation can be made.

- (2) In lieu of cash payment upon request of the employee and approval of the appointing authority, an employee may accrue compensating time off at premium hours. Cash payment at the employee's base rate of pay shall automatically be paid for any compensating time which exceeds eighty (80) hours, or for any hours on record immediately prior to promotion, demotion or termination of employment. For employees in the classifications of Probation Officer I, II and III cash payment at the employee's base rate of pay shall automatically be paid for any compensating time which exceeds forty (40) hours, or for any hours on record immediately prior to promotion, demotion or termination of employment. Compensatory time off may be taken with approval of the appointing authority at such time as will not impair the work schedule or efficiency of the department but with consideration given to the well-being of the employee.

(c) Overtime Compensation – SPECIALIZED PEACE OFFICER - SUPERVISORY UNIT

- (1) Any employee in the Unit, except Supervising Deputy Coroner Investigator (Class Code 19823), authorized by the appointing authority or authorized representative to work overtime shall be compensated at straight time compensating time off. Cash payment at the employee's base rate of pay shall automatically be paid for any compensating time off accumulated in excess of eighty (80) hours, or immediately prior to promotion, demotion or termination of employment. Compensatory time off may be taken with approval of the appointing authority at such time as will not impair the work schedule or efficiency of the department but with consideration given to the well-being of the employee.

(2) Supervising Deputy Coroner Investigator (Class Code 19823)

- (i) Effective December 29, 2001, except as provided below, employees in the classification of Supervising Deputy Coroner Investigator authorized by the appointing authority or authorized representative to work overtime shall be compensated at straight time compensating time off. Cash payment at the employee's base rate of pay shall automatically be paid for any compensating time off accumulated in excess of forty (40) hours, or immediately prior to promotion, demotion or termination of employment. Compensatory time off may be taken with approval of the appointing authority at such time as will not impair the work schedule or efficiency of the department but with consideration given to the well-being of the employee.
- (ii) Effective December 29, 2001, under the following conditions, employees in the classification of Supervising Deputy Coroner Investigator authorized by the appointing authority or authorized representative to work overtime shall be compensated at premium rates, i.e., one and one-half (1-1/2) times the employee's regular base rate of pay:
- The number of budgeted, authorized position vacancies in the classification of Deputy Coroner Investigator is 25% or more of the total number of budgeted, authorized positions in the classification of Deputy Coroner Investigator.
 - The Supervising Deputy Coroner Investigator is authorized by the appointing authority to work overtime to perform duties normally assigned to a Deputy Coroner Investigator.

In such instances, overtime shall be defined as all hours worked in excess of their normally scheduled work week. Payment for overtime compensation shall be made on the first payday following the pay period in which such overtime is worked, unless overtime compensation cannot be computed until some later date, in which case overtime compensation will be paid on the next regular payday after such computation can be made. In lieu of cash payment upon request of the employee and approval of the appointing authority, an employee may accrue compensating time off at premium hours. Cash payment at the employee's base rate of pay shall automatically be paid for any compensating time off accumulated in excess of forty (40) hours, or immediately prior to promotion, demotion or termination of employment.

(d) Variable Work Schedule

- (1) For employees in the SPECIALIZED PEACE OFFICER UNIT, an appointing authority with agreement of an affected employee, may arrange for that individual to take such time off as necessary to ensure that an employee's actual time worked does not exceed forty (40) hours within any given work period.
- (2) For employees in the SPECIALIZED PEACE OFFICER – SUPERVISORY UNIT, the appointing authority shall have the right to direct an employee to take such time off as is necessary to ensure that an employee's actual time worked does not exceed eighty (80) hours within any given work period, or in the case of Supervising Deputy Coroner Investigator, forty (40) hours within a given work week.

- (e) Work Period – For employees in the SPECIALIZED PEACE OFFICER UNIT, except certain designated positions at Camp Heart Bar, the work period for purposes of overtime, established for employees in this Unit commences at 12:01 a.m. Saturday and ends at 12:00 a.m. (midnight) the following Friday of each week. The work period, except for twelve (12) hour shift schedules at Camp Heart Bar established pursuant to Section 207(k) of the Fair Labor Standards Act, normally does not exceed forty (40) hours. Upon the approval of the appointing authority or designee, employees may establish alternate work schedules (i.e., a 9/80 work schedule) provided a work period can be established and agreed to in writing by the appointing authority and the employee which includes forty (40) hours work each work period. This provision does not otherwise limit the ability of the appointing authority to modify work schedules in accordance with the Article, "Standard Tour of Duty." Employees authorized by the appointing authority or designee to work an alternate work schedule will be required to adjust their work schedule to maintain forty (40) hours in a work period.